



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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November 24, 2014

Mr. Brent Simmons
Transcontinental Gas Pipe Line Company, LLC
2800 Post Oak Boulevard
Houston, TX 77056

Mr. Woody Speed
Cardno
200 East Government Street
Suite 210
Pensacola FL, 32502

RE: Federal Consistency Certification: Transco Leidy Southeast Expansion Project, Fairfax and Prince William Counties (DEQ 14-169F) (FERC OEP/DG2E/Gas 1; CP13-551-000).

Dear Mr. Simmons and Mr. Speed:

The Commonwealth of Virginia has completed its review of the federal consistency certification (FCC) for the above-referenced project. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal consistency documents and responding to appropriate officials on behalf of the Commonwealth. This letter is in response to the FCC submission received on October 1, 2014, and the additional information received on October 14, 2014, that was necessary to commence the review. According to the FCC, this project qualifies for a Federal Energy Regulatory Commission (FERC) permit, which necessitates the submittal of the FCC. DEQ responded (attached) to the environmental assessment developed pursuant to the National Environmental Policy Act for the proposed Transco Leidy South Expansion Project on September 10, 2014. The following agencies joined in this review:

Department of Environmental Quality
Department of Game and Inland Fisheries
Marine Resources Commission

Fairfax County, Prince William County, and the Northern Virginia PDC were invited to comment.

PROJECT DESCRIPTION

FERC is considering a request by the Transcontinental Gas Pipe Line Company (Transco) to issue a Certificate of Public Convenience and Necessity authorizing construction and operation of proposed activities in Prince William and Fairfax counties. Transco's purpose is to provide an additional natural gas transportation capacity to delivery points that would be accessible by customers in the mid-Atlantic and southeast. According to the FCC, project activities include modifications of ten existing aboveground facilities in these counties. Construction areas will be located within existing right-of-ways. The majority of impacts would be temporary according to the FCC. The temporary work space required for construction would be approximately 5.47 acres in Fairfax County with 0.02 acres of new easement required. Approximately 1.12 acres, including temporary work space and existing access roads, will be affected in Prince William County. The FCC states that wetlands will not be affected. According to the FCC, the project will be consistent with the enforceable policies of the Virginia Coastal Zone Management Program (VCP).

PUBLIC PARTICIPATION

In accordance with 15 CFR §930.2, a public notice of this proposed action was published on the DEQ website from October 22, 2014 to November 13, 2014. No public comments were received in response to the notice.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act (CZMA) of 1972, as amended (16 USCA, CZMA § 307, § 1456(c)(3)(A)) and its implementing federal consistency regulations (15 CFR Part 930, subpart D), any applicant for a required listed federal license or permit to conduct an activity, in or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone of the Commonwealth shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the VCP and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to DEQ a copy of the certification with all necessary information and data. The Commonwealth has six months after receipt of a complete FCC to concur or object to the applicant's finding of project consistency with the VCP.

The VCP is comprised of a network of programs administered by several agencies. In order to be consistent with the VCP, all the applicable permits and approvals listed under the enforceable policies of the VCP must be obtained prior to commencing the project.

FEDERAL CONSISTENCY CONCURRENCE

Based on our review of the FCC and the comments submitted by agencies administering the applicable enforceable policies of the VCP, DEQ concurs that the proposal is consistent with the VCP provided all applicable permits and approvals are obtained as described below. If, prior to construction, the project should change significantly and any of the enforceable policies of the VCP would be affected, pursuant to 15 CFR §930.66, the applicant must submit supplemental information to DEQ for review and approval. Other state approvals which may apply to this project are not included in this FCC. Therefore, Transco must ensure that this project is constructed and operated in accordance with all applicable federal, state, and local laws and regulations. In addition, in accordance with 15 CFR Part 930, subpart D, § 930.58(a)(3), we encourage the applicant to consider the Advisory Policies of the VCP as well (see Attachment 2).

ANALYSIS OF ENFORCEABLE POLICIES

According to information in the FCC, the proposed activity would have no effect on the following enforceable policies: dunes management and shoreline sanitation. The analysis which follows responds to the discussion of the enforceable policies of the VCP that apply to this project and review comments submitted by agencies that administer the enforceable policies.

1. Wetlands Management Enforceable Policy. The FCC (page 6) states that the there would be no impacts on wetlands as a result of construction associated with the aboveground facility improvements.

1(a) Agency Jurisdiction. The State Water Control Board promulgates Virginia's water regulations, covering a variety of permits to include Virginia Pollutant Discharge Elimination System Permit (VPDES), Virginia Pollution Abatement Permit, Surface and Groundwater Withdrawal Permit, and the Virginia Water Protection (VWP) Permit. The VWP Permit is a state permit which governs wetlands, surface water and surface water withdrawals and impoundments. It also serves as § 401 certification of the federal Clean Water Act § 404 permits for dredge and fill activities in waters of the United States. The VWP Permit Program is under the Office of Wetlands and Water Protection and Compliance within the DEQ Division of Water Quality Programs. In addition to central office staff who review and issue VWP Permits for transportation and water withdrawal projects, the six DEQ regional offices perform permit application reviews and

issue permits for the covered activities.

1(b) Agency Findings. The DEQ Northern Regional Office (NRO) states that based on the information provided, it appears the project will not impact streams or wetlands. However, a VWP Permit from DEQ may be required should impacts to surface waters be necessary.

1(c) Agency Recommendations. DEQ NRO recommends the avoidance and minimization of surface water impacts to the maximum extent practicable as well as coordination with the U.S. Army Corps of Engineers.

2. Subaqueous Lands Management. The FCC (page 6) states that adverse impacts to subaqueous lands are not anticipated.

2(a) Agency Jurisdiction. The Virginia Marine Resources Commission (VMRC) regulates encroachments in, on or over state-owned subaqueous beds as well as tidal wetlands pursuant to Virginia Code § 28.2-1200 through 1400.

The VMRC serves as the clearinghouse for the Joint Permit Application (JPA) used by the:

- Corps for issuing permits pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act;
- DEQ for issuance of a VWP permit;
- VMRC for encroachments on or over state-owned subaqueous beds as well as tidal wetlands; and
- local wetlands board for impacts to wetlands.

The VMRC will distribute the completed JPA to the appropriate agencies. Each agency will conduct its review and respond.

2(b) Agency Comments. Based upon the information provided, the proposed work does not fall within VMRC's jurisdiction as there appears to be no impacts to state-owned submerged lands associated with this project.

2(c) Requirement. Should the scope of the proposed project change to include impacts to state-owned submerged lands or tidal wetlands, a Joint Permit Application must be completed and submitted to VMRC for distribution and review.

3. Nonpoint Pollution Control. The FCC (page 6) indicates that the project would adhere to erosion and sediment controls.

3(a) Agency Jurisdiction. Effective July 1, 2013, the DEQ Water Division administers

the Virginia Erosion and Sediment Control Law and Regulations (VESCL&R) and the Virginia Stormwater Management Law and Regulations (VSWML&R).

3(b) Erosion and Sediment Control and Stormwater Management Project-Specific Plans. In accordance with §62.1-44.15 *et seq.* electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies shall, and authorities created pursuant to § 15.2-5102 may file general erosion and sediment control and stormwater standards and specifications annually with DEQ for review and approval. Such standards and specifications shall be consistent with the requirements of this article and associated regulations and the Erosion and Sediment Control Law and Stormwater Management Act (§ 62.1-44.15:24 *et seq.*) and associated regulations where applicable. The specifications shall apply to:

- Construction, installation, or maintenance of electric transmission, natural gas, and telephone utility lines and pipelines, and water and sewer lines; and
- Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of the railroad company.

3(c) General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (VAR10). DEQ is responsible for the issuance, denial, revocation, termination and enforcement of the General VPDES Permit for Discharges of Stormwater from Construction Activities (previously known as General Permit for Discharges of Stormwater from Construction Activities or Virginia Stormwater Management Program (VSMP) permit) for the control of stormwater discharges regulated under the VSWMA and the Virginia Stormwater Management Program (VSMP) Regulations.

Accordingly, the operator or owner of a construction activity involving land disturbance of equal to or greater than 1 acre is required to register for coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities and develop a project specific stormwater pollution prevention plan (SWPPP). The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit and the SWPPP must address water quality and quantity in accordance with the Virginia Stormwater Management Program (VSMP) Regulations. General information and registration forms for the General Permit are available at www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPpermits/ConstructionGeneralPermit.aspx.

4. Air Pollution Control. According to the FCC (page 7), the proposed activities would not result in new permanent sources of emissions.

4(a) Agency Jurisdiction. The DEQ Air Division, on behalf of the State Air Pollution

Control Board, is responsible for developing regulations that implement Virginia's Air Pollution Control Law. DEQ is charged with carrying out mandates of the state law and related regulations as well as Virginia's federal obligations under the Clean Air Act as amended in 1990. The objective is to protect and enhance public health and quality of life through control and mitigation of air pollution. The division ensures the safety and quality of air in Virginia by monitoring and analyzing air quality data, regulating sources of air pollution, and working with local, state and federal agencies to plan and implement strategies to protect Virginia's air quality. The appropriate DEQ regional office is directly responsible for the issuance of necessary permits to construct and operate all stationary sources in the region as well as monitoring emissions from these sources for compliance. As a part of this mandate, EIRs of projects to be undertaken in the state are also reviewed. In the case of certain projects, additional evaluation and demonstration must be made under the general conformity provisions of state and federal law.

4(b) Ozone Nonattainment Area. According to the DEQ Air Division, the project sites are located in ozone nonattainment and emission control areas for volatile organic compounds (VOCs) and nitrogen oxides (NO_x).

4(c) Requirements.

4(c)(i) Emissions. All precautions are to be taken to restrict the emissions of VOCs and NO_x in Fairfax and Prince William counties.

4(c)(ii) Open Burning. If the implementation of the project includes the burning of vegetative debris, this activity must meet the requirements under 9VAC5-130 *et seq.* of the regulations for open burning, and it may require a permit. The regulations provide for, but do not require, the local adoption of a model ordinance concerning open burning. Contact the appropriate locality to determine what local requirements, if any, exist.

4(c)(iii) Fugitive Dust. During land-disturbing activities, fugitive dust must be kept to a minimum by using control methods outlined in 9VAC5-50-60 *et seq.* of the Regulations for the Control and Abatement of Air Pollution. These precautions include, but are not limited to, the following:

- Use, where possible, water or chemicals for dust control;
- Install and use hoods, fans and fabric filters to enclose and vent the handling of dusty materials;
- Cover open equipment for conveying materials; and
- Promptly remove spilled or tracked dirt or other materials from paved streets and dried sediments resulting from soil erosion.

4(c)(iv) Fuel-Burning Equipment. Fuel-burning equipment (generators, compressors, etc.) or any other air-pollution-emitting equipment may be subject to registration or permitting requirements.

4(d) Agency Finding. The DEQ NRO states that it does not appear that the proposed project would trigger a need for an air permit. Transco has not yet approached DEQ NRO for a need of air permits for any of the projects affecting facilities in the region.

5. Fisheries Management. The FCC (page 5) states that the project will not directly affect water bodies.

5(a) Agency Jurisdiction. The fisheries management enforceable policy is administered by the VMRC (§28.2-200 to §28.2-713) and the Department of Game and Inland Fisheries (DGIF) (§29.1-100 to §29.1-570).

5(b) Agency Comments. VMRC does not indicate that the project is inconsistent with the fisheries management enforceable policy.

5(c) Agency Recommendation. DGIF has the following recommendation:

- Adhere to erosion and sediment control measures during construction.

5(d) Conclusion. Assuming adherence to erosion and sediment control measures, this project would be consistent with the fisheries management enforceable policy.

6. Chesapeake Bay Preservation Act. The FCC (page 8) states that the project sites are in Resource Management Areas (RMA).

6(a) Agency Jurisdiction. Effective July 1, 2013, the DEQ Water Division administers the Chesapeake Bay Preservation Act (Virginia Code §62.1-44.15:67 – 62.1-44.15:78) and Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations).

6(b) Chesapeake Bay Preservation Areas. In Fairfax and Prince William counties, the areas protected by the Chesapeake Bay Preservation Act, as locally implemented, require conformance with performance criteria. These areas include Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) as designated by each locality.

- RPAs include tidal wetlands, certain non-tidal wetlands and tidal shores. RPAs also include a 100-foot vegetated buffer area located adjacent to and landward of these features and along both sides of any water body with perennial flow.
- All areas of both counties not included in the RPA are designated as RMAs.

6(c) Agency Findings. The DEQ Water Division states that based on the EA, the proposed project will involve minor modifications to existing compressor stations and existing meter and regulating stations in Prince William and Fairfax counties. Other localities in Virginia that are part of the scope of the overall project are not subject to the Chesapeake Bay Preservation Act and associated regulations.

6(d) Requirements. Section 9VAC25-830-150 of the Regulations exempt natural gas pipelines and their appurtenant structures on the condition that the construction, installation, operation and maintenance of such pipelines and structures are in accord with the following:

- regulations promulgated pursuant to the Erosion and Sediment Control Law and the Virginia Stormwater Management Law,
- an erosion and sediment control plan and a stormwater management plan approved by DEQ, or
- local water quality protection criteria at least as stringent as the above state requirements.

In addition, natural gas pipelines are exempt from the Regulations provided that:

- To the degree possible, the location of such utilities and facilities should be outside RPAs.
- No more land shall be disturbed than is necessary to provide for the proposed utility installation;
- All such construction, installation and maintenance of such facilities shall be in compliance with all applicable state and federal permits and designed and conducted in a manner that protects water quality; and
- Any land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of the Regulations.

6(e) Conclusion. Land-disturbing activities associated with the proposed project in Prince William and Fairfax counties would be consistent with the Chesapeake Bay Preservation Act and the Regulations, provided the above referenced requirements (Item 7(d)) for exempt activities are met.

7. Regional and Local Comments. As customary, DEQ invited the affected localities and planning district commission to participate in the Commonwealth's environmental review of this proposal.

7(a) Agency Jurisdiction. In accordance with the Code of Virginia, Section 15.2-4207, planning district commissions encourage and facilitate local government cooperation and state-local cooperation in addressing, on a regional basis, problems of greater than

local significance. The cooperation resulting from this is intended to facilitate the recognition and analysis of regional opportunities and take account of regional influences in planning and implementing public policies and services. Planning district commissions promote the orderly and efficient development of the physical, social and economic elements of the districts by planning, and encouraging and assisting localities to plan, for the future.

7(d) Local and Regional Comments. The Northern Virginia Planning District Commission, Prince William County and Fairfax County did not respond to DEQ's request for comments.

ADDITIONAL ENVIRONMENTAL CONSIDERATIONS

In addition to the enforceable policies of the VCP, comments also were provided with respect to applicable requirements and recommendations of the following programs:

1. Wildlife Resources. The FCC (page 5) indicates that it will coordinate with the Department of Game and Inland Fisheries (DGIF) regarding potential impacts to protected species.

1(a) Agency Jurisdiction. The Department of Game and Inland Fisheries, as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state- or federally-listed endangered or threatened species, but excluding listed insects (*Virginia Code* Title 29.1). DGIF is a consulting agency under the U.S. Fish and Wildlife Coordination Act (16 U.S.C. sections 661 *et seq.*) and provides environmental analysis of projects or permit applications coordinated through DEQ and several other state and federal agencies. DGIF determines likely impacts upon fish and wildlife resources and habitat, and recommends appropriate measures to avoid, reduce or compensate for those impacts. For more information, see the DGIF website at www.dgif.virginia.gov.

1(b) Agency Findings. According to DGIF's records, the following streams and rivers located within two miles of the affected facilities and have been designated Threatened and Endangered Species Waters due to the presence of state-listed threatened wood turtles: Sugarland Run, Nichols Run, Difficult Run, Cub Run, and a number of unnamed tributaries to the Potomac River. If there will be no impacts upon these waters, or uplands within 900 feet of them is proposed, DGIF does not anticipate this project to result in adverse impacts upon wood turtles.

In addition, Broad Run, located within two miles of the affected facilities, has been designated a Threatened and Endangered Species Water due to the presence of state-listed endangered brook floaters. If no instream work is proposed within Broad Run or

any of its perennial tributaries, DGIF does not anticipate this project to result in adverse impacts upon brook floaters.

1(c) Agency Comments. DGIF generally does not support proposals to mitigate wetland impacts through the construction of stormwater management ponds or the creation of in-stream stormwater management ponds.

1(d) Agency Recommendations. DGIF has the following recommendations to protect state-listed threatened and endangered:

- Coordinate with DGIF regarding possible impacts upon wood turtles if any impacts upon Sugarland Run, Nichols Run, Difficult Run, Cub Run, and a number of unnamed tributaries to the Potomac River, or uplands within 900 feet of them are proposed.
- Coordinate with DGIF regarding possible impacts upon brook floaters if any instream work is proposed within Broad Run or any of its perennial tributaries.

To minimize overall impacts to wildlife and natural resources, DGIF offers the following comments about development activities:

- Avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable. Avoidance and minimization of impact may include relocating stream channels as opposed to filling or channelizing as well as using, and incorporating into the development plan, a natural stream channel design and wooded buffers.
- Maintain undisturbed naturally vegetated buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams.
- Maintain wooded lots to the fullest extent possible.
- Design stormwater controls for this project to replicate and maintain the hydrographic condition of the site prior to the change in landscape. This should include, but not be limited to, utilizing bioretention areas, and minimizing the use of curb and gutter in favor of grassed swales. Bioretention areas (also called rain gardens) and grass swales are components of Low Impact Development (LID). They are designed to capture stormwater runoff as close to the source as possible and allow it to slowly infiltrate into the surrounding soil. They benefit natural resources by filtering pollutants and decreasing downstream runoff volumes.
- Adhere to a time-of-year restriction from March 15 through August 15 of any year for all tree removal and ground clearing to protect nesting resident and migratory songbirds.
- Adhere to erosion and sediment controls during ground disturbance.

2. Pollution Prevention. DEQ advocates that principles of pollution prevention be used in all construction projects as well as in facility operations. Effective siting, planning and on-site best management practices will help to ensure that environmental impacts are minimized. However, pollution prevention techniques also include decisions related to construction materials, design and operational procedures that will facilitate the reduction of wastes at the source.

2(a) Agency Recommendations. We have several pollution prevention recommendations that may be helpful during the construction:

- Consider development of an effective Environmental Management System (EMS). An effective EMS will ensure that the proposed facility is committed to minimizing its environmental impacts, setting environmental goals and achieving improvements in its environmental performance. DEQ offers EMS development assistance and recognizes facilities with effective Environmental Management Systems through its Virginia Environmental Excellence Program.
- Consider environmental attributes when purchasing materials. For example, the extent of recycled material content, toxicity level and amount of packaging should be considered and can be specified in purchasing contracts.
- Consider contractors' commitment to the environment when choosing contractors. Specifications regarding raw materials and construction practices can be included in contract documents and requests for proposals.
- Choose sustainable materials and practices for infrastructure and building construction and design. These could include asphalt and concrete containing recycled materials, and integrated pest management in landscaping, among other things.

The DEQ Office of Pollution Prevention provides information and technical assistance relating to pollution prevention techniques. If interested, please contact DEQ (Sharon Baxter at 804-698-4344).

3. Pesticides and Herbicides. In general, when pesticides or herbicides must be used, their use should be strictly in accordance with manufacturers' recommendations. In addition, DEQ recommends that the responsible agent use the least toxic pesticides or herbicides effective in controlling the target species. For more information on pesticide or herbicide use, please contact the Virginia Department of Agriculture and Consumer Services at (804) 786-3501.

REGULATORY AND COORDINATION NEEDS

1. Water Quality and Wetlands. The project must comply with the Virginia Water Protection Program (Virginia Code § 62.1-44.15 *et seq.*). DEQ regulates impacts to waters and wetlands pursuant to 9VAC25-210 *et seq.* If the proposed activities require impacts to wetlands or surface waters, contact DEQ NRO (Trisha Beasley at 703-583-3940 or Trisha.Beasley@deq.virginia.gov) to ensure compliance with the Virginia Water Protection Program (VWPP).

2. Erosion and Sediment Control and Stormwater Management.

2(a) Erosion and Sediment Control Plan and Stormwater Management Plan. In accordance with §62.1-44.15 *et seq.* electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies shall, and authorities created pursuant to § 15.2-5102 may file general erosion and sediment control and stormwater standards and specifications annually with DEQ for review and approval. Such standards and specifications shall be consistent with the requirements of this article and associated regulations and the Erosion and Sediment Control Law and Stormwater Management Act (§ 62.1-44.15:24 *et seq.*) and associated regulations where applicable. Contact the DEQ Office of Stormwater Management (OSM) (Larry Gavan at Larry.Gavan@deq.virginia.gov) for additional information.

2(b) VSMP Regulation. The owner/operator of projects involving land-disturbing activities of equal to or greater than one acre is required to apply for registration coverage under the General Permit for Discharges of Stormwater from Construction Activities. The owner/operator must also develop a project-specific SWPPP. Specific questions regarding the Stormwater Management Program requirements should be directed to the DEQ Water Division (Holly Sepety at Holly.Sepety@deq.virginia.gov or 804-698-4039) (Reference: VSWML § 62.1-44.15 *et seq.*; VSMP §9VAC25-880 *et seq.*).

3. Air Quality Regulations. Construction and operation of the transmission lines are subject to air pollution control regulations administered by DEQ. All precautions are to be taken to restrict the emissions of VOCs and NO_x in Fairfax and Prince William counties. The following sections of Virginia Administrative Code may be applicable:

- 9VAC5-50-60 *et seq.* governing fugitive dust emissions; and
- 9VAC5-130 *et seq.*, for open burning.

Contact the appropriate DEQ NRO (James LaFratta at James.LaFratta@deq.virginia.gov or 703-583-3928) for additional information about air quality regulations and to determine air permitting or registration needs.

4. Wildlife Resources.

- DGIF's database may be accessed at <http://vafwis.org/fwis/> or by contacting DGIF (Gladys Cason at 804-367-0909 or Gladys.Cason@dgif.virginia.gov).
- Contact DGIF (Amy Ewing at Amy.Ewing@dgif.virginia.gov) for additional information about its comments and recommendations if necessary.

5. Protected Species. The implementation of the project must comply with the Federal Endangered Species Act (16 U.S.C. sections 1531 *et seq.*) (as applicable) and the Virginia protected species legislation (Virginia Code §29.1-563 *et seq.*) Coordinate with DGIF (Amy Ewing at Amy.Ewing@dgif.virginia.gov) regarding compliance with threatened and endangered species legislation.

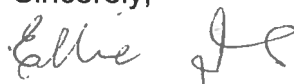
6. Chesapeake Bay Preservation Act. The project must satisfy the applicable requirements of the Chesapeake Bay Preservation Act (Virginia Code §62.1-44.15:67 – 62.1-44.15:78) and Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations). Section 9VAC25-830-150 of the Regulations exempt natural gas pipelines and their appurtenant structures on the condition that the construction, installation, operation and maintenance of such pipelines and structures are in accord with the following:

- regulations promulgated pursuant to the Erosion and Sediment Control Law and the Virginia Stormwater Management Law,
- an erosion and sediment control plan and a stormwater management plan approved by DEQ, or
- local water quality protection criteria at least as stringent as the above state requirements.

Contact DEQ (Daniel Moore at Daniel.Moore@deq.virginia.gov) for additional information as necessary.

Thank you for the opportunity to comment on the FCC. Detailed comments of reviewing agencies are attached for your review. If you have questions, please do not hesitate to call me at (804) 698-4325 or Ellie.Irons@deq.virginia.gov or Julia Wellman at (804) 698-4326 or Julia.Wellman@deq.virginia.gov.

Sincerely,



Ellie Irons, Program Manager
Environmental Impact Review

Enclosures

cc: Secretary Kimberly D. Bose, FERC

ec: Amy Ewing, DGIF
Kotur S. Narasimhan, DEQ DAPC
Dan Burstein, DEQ NRO
Daniel Moore, DEQ
Holly Septey, DEQ
Shantelle Nicholson, DEQ
Mark Eversole, VMRC
Woody Speed, Cardno
Jessica Harris, FERC
Fred Selden, Fairfax County
Raymond Utz, Prince William County
Mark Gibb, Northern Virginia PDC



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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

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Attachment 2

Advisory Policies for Geographic Areas of Particular Concern

- a. Coastal Natural Resource Areas - These areas are vital to estuarine and marine ecosystems and/or are of great importance to areas immediately inland of the shoreline. Such areas receive special attention from the Commonwealth because of their conservation, recreational, ecological, and aesthetic values. These areas are worthy of special consideration in any planning or resources management process and include the following resources:
 - a) Wetlands
 - b) Aquatic Spawning, Nursery, and Feeding Grounds
 - c) Coastal Primary Sand Dunes
 - d) Barrier Islands
 - e) Significant Wildlife Habitat Areas
 - f) Public Recreation Areas
 - g) Sand and Gravel Resources
 - h) Underwater Historic Sites.
- b. Coastal Natural Hazard Areas - This policy covers areas vulnerable to continuing and severe erosion and areas susceptible to potential damage from wind, tidal, and storm related events including flooding. New buildings and other structures should be designed and sited to minimize the potential for property damage due to storms or shoreline erosion. The areas of concern are as follows:
 - i) Highly Erodible Areas
 - ii) Coastal High Hazard Areas, including flood plains.
- c. Waterfront Development Areas - These areas are vital to the Commonwealth because of the limited number of areas suitable for waterfront activities. The areas of concern are as follows:
 - i) Commercial Ports
 - ii) Commercial Fishing Piers
 - iii) Community Waterfronts

Although the management of such areas is the responsibility of local government and some regional authorities, designation of these areas as Waterfront Development Areas of Particular Concern (APC) under the VCP is encouraged.

Designation will allow the use of federal CZMA funds to be used to assist planning for such areas and the implementation of such plans. The VCP recognizes two broad classes of priority uses for waterfront development APC:

- i) water access dependent activities;
- ii) activities significantly enhanced by the waterfront location and complementary to other existing and/or planned activities in a given waterfront area.

Advisory Policies for Shorefront Access Planning and Protection

- a. Virginia Public Beaches - Approximately 25 miles of public beaches are located in the cities, counties, and towns of Virginia exclusive of public beaches on state and federal land. These public shoreline areas will be maintained to allow public access to recreational resources.
- b. Virginia Outdoors Plan - Planning for coastal access is provided by the Department of Conservation and Recreation in cooperation with other state and local government agencies. The Virginia Outdoors Plan (VOP), which is published by the Department, identifies recreational facilities in the Commonwealth that provide recreational access. The VOP also serves to identify future needs of the Commonwealth in relation to the provision of recreational opportunities and shoreline access. Prior to initiating any project, consideration should be given to the proximity of the project site to recreational resources identified in the VOP.
- c. Parks, Natural Areas, and Wildlife Management Areas - Parks, Wildlife Management Areas, and Natural Areas are provided for the recreational pleasure of the citizens of the Commonwealth and the nation by local, state, and federal agencies. The recreational values of these areas should be protected and maintained.
- d. Waterfront Recreational Land Acquisition - It is the policy of the Commonwealth to protect areas, properties, lands, or any estate or interest therein, of scenic beauty, recreational utility, historical interest, or unusual features which may be acquired, preserved, and maintained for the citizens of the Commonwealth.
- e. Waterfront Recreational Facilities - This policy applies to the provision of boat ramps, public landings, and bridges which provide water access to the citizens of the Commonwealth. These facilities shall be designed, constructed, and maintained to provide points of water access when and where practicable.
- f. Waterfront Historic Properties - The Commonwealth has a long history of settlement and development, and much of that history has involved both shorelines and near-shore areas. The protection and preservation of historic shorefront properties is primarily the responsibility of the Department of Historic Resources. Buildings, structures, and sites of historical, architectural, and/or archaeological interest are significant resources for the citizens of the Commonwealth. It is the policy of the Commonwealth and the VCP to enhance the protection of buildings, structures, and sites of historical, architectural, and archaeological significance from damage or destruction when practicable.

Wellman, Julia (DEQ)

From: Ewing, Amy (DGIF)
Sent: Monday, November 03, 2014 4:38 PM
To: Wellman, Julia (DEQ)
Cc: Cason, Gladys (DGIF)
Subject: RE: ESSLog# 35052_14-169F_Leidy Southeast Expansion Project

OMG...I had that at the bottom, but then removed after looking at the ERR form, but it was the original form, not the new one! See below.

Assuming adherence to erosion and sediment controls, we find this project consistent with the Fisheries Management Section of the CZMA.

Thanks, Amy

Amy Ewing ☺ Environmental Services Biologist/FWIS Manager ☺ VA Dept. of Game and Inland Fisheries ☺
4010 West Broad St. Richmond, VA 23230 ☺ 804-367-2211 ☺ www.dgif.virginia.gov



From: Wellman, Julia (DEQ)
Sent: Monday, November 03, 2014 4:33 PM
To: Ewing, Amy (DGIF)
Cc: Cason, Gladys (DGIF)
Subject: RE: ESSLog# 35052_14-169F_Leidy Southeast Expansion Project

Thank you for the reply. The document currently under review is a federal consistency certification. Do you have any comments on the fisheries enforceable policy?

From: Ewing, Amy (DGIF)
Sent: Monday, November 03, 2014 4:31 PM
To: Wellman, Julia (DEQ); wspeed@ene.com
Cc: Cason, Gladys (DGIF)
Subject: ESSLog# 35052_14-169F_Leidy Southeast Expansion Project

We have further reviewed the subject project using the two shapefiles we were provided that depict the above-ground facilities and access roads associated with the subject project and proposed for impacts.

According to our records, the following streams and rivers located within two miles of the affected facilities and have been designated Threatened and Endangered Species Waters due to the presence of state Threatened wood turtles: Sugarland Run, Nichols Run, Difficult Run, Cub Run, and a number of unnamed tributaries to the Potomac River. If any impacts upon these waters, or uplands within 900 feet of them is proposed, we recommend further coordination with us regarding possible impacts upon wood turtles. If no such impacts are proposed, we do not anticipate this project to result in adverse impacts upon wood turtles.

In addition, Broad Run, located within two miles of the affected facilities, has been designated a Threatened and Endangered Species Water due to the presence of state Endangered brook floaters. If any instream work is proposed within Broad Run or any of its perennial tributaries, we recommend further coordination with us regarding possible impacts upon brook floaters. If no such work is proposed, we do not anticipate this project to result in adverse impacts upon brook floaters.

To minimize overall impacts to wildlife and our natural resources, we offer the following comments about development activities: We recommend that the applicant avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable. Avoidance and minimization of impact may include relocating stream channels as opposed

to filling or channelizing as well as using, and incorporating into the development plan, a natural stream channel design and wooded buffers. We recommend maintaining undisturbed naturally vegetated buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams. We recommend maintaining wooded lots to the fullest extent possible. We generally do not support proposals to mitigate wetland impacts through the construction of stormwater management ponds, nor do we support the creation of in-stream stormwater management ponds.

We recommend that the stormwater controls for this project be designed to replicate and maintain the hydrographic condition of the site prior to the change in landscape. This should include, but not be limited to, utilizing bioretention areas, and minimizing the use of curb and gutter in favor of grassed swales. Bioretention areas (also called rain gardens) and grass swales are components of Low Impact Development (LID). They are designed to capture stormwater runoff as close to the source as possible and allow it to slowly infiltrate into the surrounding soil. They benefit natural resources by filtering pollutants and decreasing downstream runoff volumes.

We recommend that all tree removal and ground clearing adhere to a time of year restriction protective of resident and migratory songbird nesting from March 15 through August 15 of any year.

We recommend adherence to erosion and sediment controls during ground disturbance.

Thanks, Amy

Amy Ewing ☎ Environmental Services Biologist/FWIS Manager ☎ VA Dept. of Game and Inland Fisheries ☎
4010 West Broad St. Richmond, VA 23230 ☎ 804-367-2211 ☎ www.dgif.virginia.gov



Think before you print.

**DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF AIR PROGRAM COORDINATION**

ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

TO: Julia H. Wellman

DEQ - OEIA PROJECT NUMBER: 14 – 169F

PROJECT TYPE: ☐ STATE EA / EIR ☒ FEDERAL EA / EIS ☐ SCC

X CONSISTENCY CERTIFICATION

PROJECT TITLE: LEIDY SOUTHEAST EXPANSION PROJECT, TRANSCONTINENTAL GAS
PIPELINE COMPANY

PROJECT SPONSOR: DOE / FEDERAL ENERGY REGULATORY COMMISSION

PROJECT LOCATION: X OZONE NONATTAINMENT AND
EMISSION CONTROL AREA FOR NOX & VOC

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: X CONSTRUCTION
 ☐ OPERATION

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:

1. ☐ 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E – STAGE I
2. ☐ 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 F – STAGE II Vapor Recovery
3. ☐ 9 VAC 5-45-780 et seq. – Asphalt Paving operations
4. ☒ **9 VAC 5-130 et seq. – Open Burning**
5. ☒ **9 VAC 5-50-60 et seq. Fugitive Dust Emissions**
6. ☐ 9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to _____
7. ☐ 9 VAC 5-50-160 et seq. – Standards of Performance for Toxic Pollutants
8. ☐ 9 VAC 5-50-400 Subpart _____, Standards of Performance for New Stationary Sources, designates standards of performance for the _____
9. ☐ 9 VAC 5-80-1100 et seq. of the regulations – Permits for Stationary Sources
10. ☐ 9 VAC 5-80-1700 et seq. Of the regulations – Major or Modified Sources located in PSD areas. This rule may be applicable to the _____
11. ☐ 9 VAC 5-80-2000 et seq. of the regulations – New and modified sources located in non-attainment areas
12. ☐ 9 VAC 5-80-800 et seq. Of the regulations – Operating Permits and exemptions. This rule may be applicable to _____

COMMENTS SPECIFIC TO THE PROJECT:

All precautions are necessary to restrict the emissions of volatile organic compounds (VOC) and oxides of nitrogen (NO_x).



(Kotur S. Narasimhan)
Office of Air Data Analysis

DATE: October 17, 2014

Wellman, Julia (DEQ)

From: Gavan, Larry (DEQ)
Sent: Thursday, October 23, 2014 10:44 AM
To: Wellman, Julia (DEQ)
Subject: RE: NEW PROJECT FERC 14-169F

Pls. see the comments below.

Thx
L

In accordance with §62.1-44.15 et seq. Electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies shall, and authorities created pursuant to § 15.2-5102 may file general erosion and sediment control and stormwater standards and specifications annually with DEQ for review and approval. Such standards and specifications shall be consistent with the requirements of this article and associated regulations and the Erosion and Sediment Control Law and Stormwater Management Act (§ 62.1-44.15:24 et seq.) and associated regulations where applicable. The specifications shall apply to:

1. Construction, installation, or maintenance of electric transmission, natural gas, and telephone utility lines and pipelines, and water and sewer lines; and
2. Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of the railroad company.

From: Fulcher, Valerie (DEQ)
Sent: Thursday, October 16, 2014 11:44 AM
To: dgif-ESS Projects (DGIF); Narasimhan, Kotur (DEQ); Gavan, Larry (DEQ); Moore, Daniel (DEQ); Sepety, Holly (DEQ); Nicholson, Shantelle (DEQ); Burstein, Daniel (DEQ); Watkinson, Tony (MRC); gmg@novaregion.org; Patton, Justin S.; Pamela.Nee@fairfaxcounty.gov
Cc: Wellman, Julia (DEQ)
Subject: NEW PROJECT FERC 14-169F

Good morning - attached is a new EIR review request/ project:

FERC: Leidy Southeast Expansion Project, Transcontinental Gas Pipeline Company, Prince William & Fairfax Counties, DEQ #14-169F

You can download the project at this link:

<http://deq.virginia.gov/filesshare/oeir/FERC%20Leidy%20Transco%20FCC.pdf>

The project was recently reviewed under #14-140F as an environmental assessment. Please note that this review is for federal consistency.

The due date for comments is **NOVEMBER 13, 2014**. You can send your comments either directly to Julia by email (Julia.Wellman@deq.virginia.gov), or you can send your comments by regular interagency/U.S. mail

to the Department of Environmental Quality, Office of Environmental Impact Review, 629 E. Main St., 6th Floor, Richmond, VA 23219.

If you have any questions, please email Julia.

Thanks!

Valerie

Valerie A. Fulcher, CAP-OM, Executive Secretary Sr.

Department of Environmental Quality

Environmental Enhancement - Office of Environmental Impact Review

629 E. Main St., 6th Floor

Richmond, VA 23219

804/698-4330

804/698-4319 (Fax)

email: Valerie.Fulcher@deq.virginia.gov

www.deq.virginia.gov

Wellman, Julia (DEQ)

From: Burstein, Daniel (DEQ)
Sent: Friday, October 17, 2014 2:06 PM
To: Wellman, Julia (DEQ)
Subject: RE: FERC: Leidy Southeast Expansion Project, Transcontinental Gas Pipeline Co., Fairfax, and Prince William Counties, DEQ #14-169F - Review

NRO comments regarding the Consistency Determination for the: Leidy Southeast Expansion Project, Transcontinental Gas Pipeline Co., located in Fairfax and Prince William Counties are as follows:

Land Protection Division - The project manager is reminded that if any solid or hazardous waste is generated/encountered during construction, the facility would follow applicable federal, state, and county regulations for their disposal.

Air Compliance/Permitting - The project manager is reminded that during the construction phases that occur with this project; the project is subject to the Fugitive Dust/Fugitive Emissions Rule 9 VAC 5-50-60 through 9 VAC 5-50-120. In addition, should the project install fuel burning equipment (Boilers, Generators, Compressors, etc...), or any other air pollution emitting equipment, the project may be subject to 9 VAC 5-80, Article 6, Permits for New and Modified sources and as such the project manager should contact the Air Permit Manager DEQ-NRO prior to installation or construction, and operation, of fuel burning or other air pollution emitting equipment for a permitting determination. Lastly, should any open burning or use of special incineration devices be employed in the disposal of land clearing debris during demolition and construction, the operation would be subject to the Open Burning Regulation 9 VAC 5-130-10 through 9 VAC 5-130-60 and 9 VAC 5-130-100.

Virginia Water Protection Permit (VWPP) Program - Based on the information provided, it appears the project will not impact streams or wetlands. Yet, the project manager is reminded that a VWP permit from DEQ may be required should impacts to surface waters be necessary. DEQ VWP staff recommends that the avoidance and minimization of surface water impacts to the maximum extent practicable as well as coordination with the US Army Corps of Engineers. Upon receipt of a Joint Permit Application for the proposed surface water impacts, DEQ VWP Permit staff will review the proposed project in accordance with the VWP permit program regulations and current VWP permit program guidance.

Water Permitting/VPDES Program/Stormwater: The project manager is reminded to follow all applicable regulations.

Daniel Burstein
Regional Enforcement Specialist, Senior II
Virginia Department of Environmental Quality
Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3904
Fax: (703) 583-3821
daniel.burstein@deq.virginia.gov

Wellman, Julia (DEQ)

From: Burstein, Daniel (DEQ)
Sent: Wednesday, November 12, 2014 4:01 PM
To: Wellman, Julia (DEQ)
Subject: RE: FERC: Leidy Southeast Expansion Project, Transcontinental Gas Pipeline Co., Fairfax, and Prince William Counties, DEQ #14-169F - Review

Julia,

I am looking into it and will get back to you soon.

Thanks,

Dan

Daniel Burstein
Regional Enforcement Specialist, Senior II
Virginia Department of Environmental Quality
Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3904
Fax: (703) 583-3821
daniel.burstein@deq.virginia.gov

From: Wellman, Julia (DEQ)
Sent: Monday, November 10, 2014 2:21 PM
To: Burstein, Daniel (DEQ)
Subject: RE: FERC: Leidy Southeast Expansion Project, Transcontinental Gas Pipeline Co., Fairfax, and Prince William Counties, DEQ #14-169F - Review

Will any existing permits need modifications due to the proposed equipment improvements at the existing M&R and compressor stations?

From: Burstein, Daniel (DEQ)
Sent: Friday, October 17, 2014 2:06 PM
To: Wellman, Julia (DEQ)
Subject: RE: FERC: Leidy Southeast Expansion Project, Transcontinental Gas Pipeline Co., Fairfax, and Prince William Counties, DEQ #14-169F - Review

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Water Permitting/VPDES Program/Stormwater: The project manager is reminded to follow all applicable regulations.

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Fax: (703) 583-3821
daniel.burstein@deg.virginia.gov

Wellman, Julia (DEQ)

From: Burstein, Daniel (DEQ)
Sent: Tuesday, November 18, 2014 8:12 AM
To: Wellman, Julia (DEQ)
Subject: RE: FERC: Leidy Southeast Expansion Project, Transcontinental Gas Pipeline Co., Fairfax, and Prince William Counties, DEQ #14-169F - Review

Julia,

Here is the response to your question from Jim LaFratta:

“Although there are no specific details in the document regarding the projects, it doesn’t appear that those projects in our region would trigger a need for an air permit. Transco has not yet approached us for a need of air permits for any of the projects affecting facilities in our region.”

Hope this is helpful.

Thanks,

Dan

Daniel Burstein
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Virginia Department of Environmental Quality
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13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3904
Fax: (703) 583-3821
daniel.burstein@deq.virginia.gov

From: Wellman, Julia (DEQ)
Sent: Monday, November 10, 2014 2:21 PM
To: Burstein, Daniel (DEQ)
Subject: RE: FERC: Leidy Southeast Expansion Project, Transcontinental Gas Pipeline Co., Fairfax, and Prince William Counties, DEQ #14-169F - Review

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From: Burstein, Daniel (DEQ)
Sent: Friday, October 17, 2014 2:06 PM
To: Wellman, Julia (DEQ)
Subject: RE: FERC: Leidy Southeast Expansion Project, Transcontinental Gas Pipeline Co., Fairfax, and Prince William Counties, DEQ #14-169F - Review

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Air Compliance/Permitting - The project manager is reminded that during the construction phases that occur with this project; the project is subject to the Fugitive Dust/Fugitive Emissions Rule 9 VAC 5-50-60 through 9 VAC 5-50-120. In addition, should the project install fuel burning equipment (Boilers, Generators, Compressors, etc...), or any other air pollution emitting equipment, the project may be subject to 9 VAC 5-80, Article 6, Permits for New and Modified sources and as such the project manager should contact the Air Permit Manager DEQ-NRO prior to installation or construction, and operation, of fuel burning or other air pollution emitting equipment for a permitting determination. Lastly, should any open burning or use of special incineration devices be employed in the disposal of land clearing debris during demolition and construction, the operation would be subject to the Open Burning Regulation 9 VAC 5-130-10 through 9 VAC 5-130-60 and 9 VAC 5-130-100.

Virginia Water Protection Permit (VWPP) Program - Based on the information provided, it appears the project will not impact streams or wetlands. Yet, the project manager is reminded that a VWP permit from DEQ may be required should impacts to surface waters be necessary. DEQ VWP staff recommends that the avoidance and minimization of surface water impacts to the maximum extent practicable as well as coordination with the US Army Corps of Engineers. Upon receipt of a Joint Permit Application for the proposed surface water impacts, DEQ VWP Permit staff will review the proposed project in accordance with the VWP permit program regulations and current VWP permit program guidance.

Water Permitting/VPDES Program/Stormwater: The project manager is reminded to follow all applicable regulations.

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

MEMORANDUM

TO: Julia Wellman, DEQ Environmental Impact Review Coordinator

FROM: Daniel Moore, DEQ Principal Environmental Planner

DATE: October 20, 2014

SUBJECT: DEQ #14-169F: Federal Energy Regulatory Commission – Leidy Southeast Expansion of Natural Gas Pipeline Facilities Project, Prince William and Fairfax Counties, Virginia

We have reviewed the re-submitted Consistency Determination documentation for the above-referenced project and offer the following comments regarding consistency with the provisions of the *Chesapeake Bay Preservation Area Designation and Management Regulations* (Regulations):

Based on the materials provided for review, the proposed project will involve minor modifications to existing compressor stations and existing meter and regulating stations in Prince William and Fairfax Counties in Virginia. Other localities in Virginia that are part of the scope of the overall project are located outside tidewater Virginia and thus are not subject to the Regulations or to the *Chesapeake Bay Preservation Act*.

In Fairfax and Prince William Counties, the areas protected by the Chesapeake Bay Preservation Act, as locally implemented, require conformance with performance criteria. These areas include Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) as designated by each locality. RPAs include tidal wetlands, certain non-tidal wetlands and tidal shores. RPAs also include a 100-foot vegetated buffer area located adjacent to and landward of these features and along both sides of any water body with perennial flow. All areas of both Counties not included in the RPA are designated as RMAs.

Under the Federal Consistency Regulations of the Coastal Zone Management Act of 1972, federal actions in Virginia, such as those proposed by FERC, must be conducted in a manner “consistent to the maximum extent practicable” with the enforceable policies of the Virginia Coastal Zone Management Program. Those enforceable policies are administered through the Chesapeake Bay Preservation Act and Regulations.

9VAC25-830-150 of the Regulations exempt natural gas pipelines and their appurtenant structures as exempt from the Regulations on condition that the construction, installation, operation and maintenance of such pipelines and structures is in accord with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law and the Virginia Stormwater Management Act, (ii) an erosion and sediment control plan and a stormwater management plan approved by DEQ, or (iii) local water quality protection criteria at least as stringent as the above state requirements. In addition, natural gas pipelines are exempt from the Regulations provided that:

1. To the degree possible, the location of such utilities and facilities should be outside Resource Protection Areas;
2. No more land shall be disturbed than is necessary to provide for the proposed utility installation;
3. All such construction, installation and maintenance of such facilities shall be in compliance with all applicable state and federal permits and designed and conducted in a manner that protects water quality; and
4. Any land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of the Regulations.

As shown in the Consistency Determination documentation submitted for review by this office, land-disturbing activities associated with the proposed project to be carried out in Prince William and Fairfax Counties would be consistent with the *Chesapeake Bay Preservation Act* and the Regulations, provided the above referenced requirements for exempt activities are met.

Wellman, Julia (DEQ)

From: Eversole, Mark (MRC)
Sent: Tuesday, November 04, 2014 11:13 AM
To: Wellman, Julia (DEQ)
Cc: Eversole, Mark (MRC)
Subject: FERC: Leidy Southeast Expansion Project, Transcontinental Gas Pipeline Company DEQ # 14-169F

Ms. Wellman,

We have reviewed the information submitted concerning the Leidy Southeast Expansion Project, Transcontinental Gas Pipeline Company, located in both Prince William and Fairfax Counties.

The Marine Resources Commission, pursuant to Chapter 12 of Title 28.2 of the Code of Virginia, is responsible for issuing permits for encroachments in, on, or over State-owned submerged lands throughout the Commonwealth. Accordingly, authorization may be required from the Marine Resources Commission for projects that involve encroachments channelward of the ordinary high water mark along natural rivers and streams above the fall line or below the mean low water line in tidal areas.

Based upon the information provided, the proposed work does not fall within the jurisdiction of the Marine Resources Commission as there appears to be no impacts to State-owned submerged lands associated with this project. Please be advised, however, that should the scope of the proposed project change to include impacts to State-owned submerged lands or tidal wetlands, a Joint Permit Application must be completed and submitted to our office for distribution and review.

Thank you for the opportunity to comment on this project. If we may be of further assistance, please do not hesitate to contact me at (757) 247-8028.

Mark Eversole
Environmental Engineer
Virginia Marine Resources Commission
2600 Washington Avenue, 3rd Floor
Newport News, Virginia 23607
Office: (757)-247-8028
email: mark.eversole@mrc.virginia.gov